

PS 3420.10 FUND-RAISING BY EMPLOYEES



Program Statement

OPI: OGC
NUMBER: 3420.10
DATE: 10/20/2000
SUBJECT: Fund-Raising by
Employees

1. **PURPOSE AND SCOPE.** To provide guidance to Bureau employees on fund-raising on or off Government property.

Fund-raising on Government property is generally prohibited; however, the Office of Personnel Management interprets that prohibition as applying to fund-raising for organizations or charities outside of the agency, not to the fund-raising for the sole benefit of employees.

No employee may be coerced in any way to make any contribution or purchase any item, nor is it permissible that any contribution amount be specified.

2. **SUMMARY OF CHANGES.** The Directives Referenced are updated and editorial changes are made. In addition, new provisions concern permissible fund-raising by collective bargaining units.

3. **PROGRAM OBJECTIVES.** The expected result of this program is:

Fund-raising activities will be properly approved and conducted in accord with existing regulations.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 3420.07

Fund-Raising by Employees (10/18/95)

b. Directives Referenced

PS 3420.09	Standards of Employee Conduct and Responsibility (2/5/99)
PS 3721.05	Employee Organizations (9/2/97)
5 CFR 2635	Standards of Ethical Conduct for Employees of the Executive Branch (8/7/92)
5 CFR 950.102	Scope of the Combined Federal Campaign (5/26/88)
41 CFR 101-20.308	Soliciting, Vending, and Debt Collection (1/5/88)

5. STANDARDS REFERENCED. None

6. DEFINITIONS. For the purposes of this Program Statement, the following definitions apply:

a. **Fundraising.** Fund-raising means the raising of monetary funds for a non-profit organization, other than a political organization through:

- (1) Solicitation of funds or sale of items; or
- (2) Participation in organizing or directing an event by an employee where any portion of the cost of attendance or participation may be taken as a charitable tax deduction by a person paying that cost.

b. **Chief Executive Officer. (CEO).** References to the Chief Executive Officer below refer to the Warden at an institution, the Director at a Staff Training Center, the Community Corrections Manager at community corrections offices, the Regional Director at the regional offices, and the respective Assistant Director at the Central Office.

7. FUND-RAISING LIMITATIONS. Fund-raising activities and events must be of minimal cost to Government time and resources.

- ! Employees doing fund-raising must be mindful of their responsibility to protect and conserve Government property and to use official time to perform their official duties.
- ! Employees are encouraged to use annual leave to conduct such activities.

a. **Fund-Raising On Government Property.** Soliciting and collecting money for outside organizations or charities on Government property is prohibited except for the Combined Federal Campaign.

b. **Fund-Raising Off Government Property.** Fund-raising activities may be conducted off Government property as long as employees do not:

- (1) use official time;
- (2) use their official titles to solicit;
- (3) use Government property, except for such office equipment as computers, printers, copy machines, provided there is minimal cost to the Government;
- (4) use the name of their agency; or
- (5) collect from a prohibited source, which is anyone who:
 - ! is seeking official action by the Bureau;
 - ! does, or seeks to, do business with the Bureau;
 - ! is regulated by the Bureau;
 - ! or has interests that may be substantially affected by the performance or non-performance of the employee's official duties.

8. EXCEPTIONS

a. **Passive Solicitation of Non-monetary Items.** Solicitation for items such as clothes or canned foods is permitted on Government property, provided the request for donations is made only through general correspondence (such as a posted notice) and that donations are to be placed in a centrally located drop box.

b. **Employee Activities.** A reasonable amount of fund-raising may be conducted on Government property, provided it is for the sole purpose of benefitting the employees by fostering camaraderie and esprit de corps through employee activities.

- ! All funds raised on Government property must be for the benefit and use of the employees, not for an outside source or charity.

c. **Co-worker Emergency Fund.** Employees may establish an emergency fund to help a co-worker and his or her family by establishing a bank account in the employee's name.

- ! Contributions must be in the form of a check or money order. **Cash contributions are not permitted.**

Such fund-raising may be done only when the employee has endured a financially damaging tragedy, such as the death of a spouse or child, loss of a home, or other natural disaster.

- ! **Prior written approval must** be obtained **from the** Ethics Officer, who will also determine whether the fund-raising activity may be **announced** nationally, regionally, or locally.

- ! The scope of the announcement does not prohibit employees outside of that scope from contributing.

d. **Affirmative Action Programs.** An Affirmative Action Committee may conduct fund-raising on Government property if it supports committee-sponsored cultural awareness programs for specific special emphasis programs:

- ! Black Affairs;
- ! Hispanic Employment;
- ! Selective Placement;
- ! Asian/American Indian/Pacific Islander; and
- ! Federal Women's.

The fund-raising must take place no more than 30 days prior to the date of the cultural awareness program, and all the money raised must be used to offset the cost of the cultural awareness programming for which it is collected.

The Chairperson of the Affirmative Action Committee must document the accounting of all money collected and receipts for all expenses incurred.

9. **EMPLOYEES CLUBS.** With prior approval from the CEO, Employees Clubs may conduct limited fund-raising activities on Government property.

All proceeds must be used for the sole benefit and use of Bureau employees.

a. **Bureau Memorabilia.** Employees Clubs may sell Bureau memorabilia, such as coffee mugs, tee shirts, and hats which display the Bureau seal or logo, on Government property.

b. **Vending Machine.** Employees Clubs may be permitted to conduct vending machine operations in accord with the Program Statement on Employee Organizations.

10. **NATIONAL CORRECTIONAL WORKERS WEEK.** Each Bureau location may conduct limited fund-raising on Government property to support activities celebrating National Correctional Workers Week.

- ! The CEO is to designate a Correctional Workers Week Coordinator to ensure all activities are conducted in accord with all regulations and policy.
- ! Fund-raising activities may not take place more than 30 days prior to the start of the National Correctional Workers Week.

An accounting shall be kept of all money raised and all money contributed by other organizations such as the Employees Clubs and the Local Union. All funds raised must be entirely spent for that event and may not be held for the next year.

11. **UNIONS.** The Union may conduct up to four un-designated fund-raising activities or events per calendar year.

- ! Prior approval must be received from the CEO for use of the institution facilities.
- ! These fund-raising activities will not violate any relevant regulatory or statutory provisions.
- ! The fund-raising activities will not be conducted during the time designated for the Combined Federal Campaign or Affirmative Action fund-raising activities.

The union will be permitted to sell their memorabilia on Government property, in accordance with Article 28 of the Master Agreement.

Union fund-raising activities will not be conducted during duty hours unless authorized by the Warden or Chief Executive Officer.

/s/

Kathleen Hawk Sawyer
Director